



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re application of: P. Bhagwat	Filed: 01/29/1999
	Examiner: P. B. Nguyen
Serial No. 09/240,374	Group Art Unit: 2663
Title: Improving Performance of Intermediate Nodes with Flow Splicing	Docket #: YOR919990014US1

**DECLARATION UNDER 37 C.F.R. §1.132**

Assistant Commissioner for Patents  
Washington, D.C. 20231

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JUL 22 2005

**OFFICE OF PETITIONS**

Sir:

I, John M. Tracey, hereby declare that:

1 . I have a Ph.D. degree in Computer Science.

2 . I am experienced in the field of computer network systems and am very knowledgeable about the current state of this art.

3 . Since October 1996, I have been employed at the IBM T.J. Watson Research Center in the field of computer network systems.

4 . I am a co-inventor of the invention in U.S. Patent Application 09/240,374 and have read and understood the above-referenced patent application and its prosecution in the U.S. Patent and Trademark Office.

5 . I am aware that it is a common practice in this field for both end points of a data flow to be on the same node (meaning the same physical machine). A particular example of the foregoing statement is a situation in which there are three software components:  
A Web server, such as Apache, on the first node, a client browser, such as Netscape Navigator, on the second node, and a caching proxy, such as Squid, on the intermediate node. Each of the web server and browser owns one connection endpoint. The proxy owns two connection end points.

In the particular example of a firewall that protects users within an organization, both the web server and proxy are often on the same node; i.e. the web server

and the proxy are software that reside on the same physical machine. (This prior art example is one that does not use the present invention as defined in claim 1, of course.)

It is also known in the art to have both the source flow end point and the destination flow end point reside on the same machine. An example of this, continuing the example of a firewall, is that both users exchanging data belong to the same organization and are connected to the same server; i.e. the organization has N servers to services its Intranet and a firewall to interface with the Internet. In the particular case when user A and user B are connected to the same server, then both the source and destination end points are located on the same node.

When the web server and proxy are also located on the same server as user A and user B, then all points in the chain will be an the same node. (This prior art example also is one that does not use the present invention as defined in claim 1, of course.)

6 In summary, the Examiner's assertion that the specification does not enable the practice of the inventions defined by claims 3-4, 6 and 54 is incorrect. Placing one or more component of the software that carries out the communications functions required for data exchange on the same node is well known in the art.

7 In my opinion, practitioners in the art would therefore have no difficulty in implementing the inventions defined by claims 3-4, 6 and 54, since they involve applying the inventions defined by claim 1 and other independent claims to particular configurations.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon.

by: John Michael Tracey  
John Michael Tracey

Dated: March 12, 2004